

10/516343

5 Rec'd PCT/PTO 01 DEC 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ken OTAKA et al.

: **Mail Stop: PCT**

Serial No. NEW

: Attorney Docket No. 2004-1913A

Filed December 1, 2004

MALONONITRILE COMPOUND

AND USE THEREOF

[Corresponding to PCT/JP2003/008579

Filed July 7, 2003]

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- each U.S. Patent and U.S. Patent application publication;
- each reference previously cited in the international application PCT/JP2003/008579; and/or
- each reference previously cited in prior parent application Serial No.

1a. This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) the certification of paragraph 2 below is provided, **or**

(2) the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

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3. Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference, if any, listed on the attached form PTO-1449, reference is made to:
 - a. a full or partial English language translation submitted herewith,
 - b. a foreign patent office search report (International Search Report) (in the English language) submitted herewith,
 - c. the concise explanation contained in the specification of the present application at page,
 - d. the concise explanation set forth in the attached English language abstract,
 - e. the concise explanation set forth below or on a separate sheet attached to the reference:
5. A foreign patent office search report (International Search Report) citing one or more of the references is enclosed.

Respectfully submitted,

Ken OTAKA et al.

By:


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December 1, 2004

Sheet 1 of 1		INFORMATION DISCLOSURE STATEMENT						
FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) <i>(Use several sheets if necessary)</i> Date Submitted to PTO: December 1, 2004			ATTY DOCKET NO. 2004-1913A		SERIAL NO. NEW		10/516343	
			APPLICANT Ken OTAKA et al.					
			FILING DATE December 1, 2004		GROUP			
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA							
	AB							
	AC							
	AD							
	AE							
	AF							
	AG							
	AH							
	AI							
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AJ	02 089579	11/2002	WO				
	AK							
	AL							
	AM							
	AN							
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)								
	AO	Patent Abstracts of Japan, vol. 1998, no. 06, April 30, 1998 & JP 10 029966 A (Mitsubishi Chem Corp.), February 3, 1998.						
	AP							
	AQ							
EXAMINER				DATE CONSIDERED				